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20 February 1970

MEMORANDUM FOR THE RECORD

**SUBJECT: United States Senate Foreign Relations Committee
Hearings on Vietnam, 19 February 1970**

1. The Hearing was convened by Senator Fulbright with his introduction of Senator McCarthy who read the attached prepared statement which advocates the ending of the war through negotiations, a pre-condition of which is the establishment of a new government in Vietnam. After reading the statement Senator McCarthy disagreed with Senator Sparkman's opinion that the negotiation of a cease-fire should take precedence over the negotiation of a coalition government. Senator Case then stated that in his opinion there have been no signs that negotiation would be successful, and that the present policy of the Administration to withdraw gradually was the result of the futility of negotiation. Senator Cooper offered the same view. Senator Williams then asked Senator McCarthy how he thought negotiations to establish a coalition government would actually work. Senator McCarthy stated that details would have to be worked out in the negotiations themselves, and when pressed by Senator Williams for an answer, stated that he had no formula to offer. Senator Case concluded this portion of the session with the remark that the principle of getting out and leaving the Vietnamese people to their fate was inadmissible.

2. The next to testify was Major James Arthur, District Senior Advisor, Binh Chanh District, Gia Dinh Province. Major Arthur read a statement giving the background of the district and a breakdown of forces. A discussion was then held as to the reliability of the Hamlet Evaluation System. Senator Fulbright evidenced his skepticism that such an evaluation could be accurate, but Major Arthur and John Paul Vann assured the Senator that it was a reliable system not without built-in favorable variables, but much better than any other measurement thus far conceived.

3. The questioning then turned to PHOENIX. Senator Fulbright turned the discussion to interrogation methods used by the Vietnamese.

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Major Arthur stated that on only one occasion had he seen a method of force used, and after he complained to the District Chief about it, it had not happened again. At this point Senator Gore questioned Ambassador Colby on the goals of PHOENIX and the meaning of neutralization. He referred to the program in terms of a counter-terror program and assassination program. Ambassador Colby took exception to this nomenclature and explained the aims of the program and that killing was solely the result of resisting arrest by the legal security apparatus of the Vietnamese Government. Others may be killed by local self-defense forces in ambushes at night in which they are protecting their homes. Ambassador Colby firmly stated that the U. S. Government was in no way participating, supporting, or condoning a program of terror or murder. The Ambassador then explained the judicial process and the classification of prisoners into A, B, and C categories. Senator Case then mentioned the Robert Kaiser article in the Washington Post, specifically asking about

- a. the potential misuse of the program against political enemies of the present GVN authorities.

(Ambassador Colby admitted there was potential for such misuse, but that the Vietnamese legislators were well aware of it, and it had not been evidenced yet.)

- b. the corruption which the PHOENIX program may have caused.

(Ambassador Colby stated that small scale corruption was inevitable and not only in Vietnam.)

- c. that the PHOENIX program helps the Viet Cong more than hurts them.

(The Ambassador answered that the classification of prisoners in C category eliminated this danger to a large extent since these prisoners were not treated in the same way as the VC command cadre and Party members.)

Senator Cooper then asked about the portion of the Kaiser article which stated that the GVN was not interested in the program and didn't want to really go after the VC. The Ambassador answered that he also

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felt that way until about three or four months ago, but since then had seen real interest in the program at national and local level. Senator Case then asked if the PHOENIX program was the best way to do the job, to which the combined answers of the Colby group were affirmative.

4. The session was then adjourned until 1445 hours at which time the topic was the Refugee Assistance program. At 1545 Senator Symington departed temporarily, and since he was the only member of the Committee present, a recess was called for an unspecified length of time. Since there was no indication that the topic would turn to PHOENIX or any Agency-connected program for the remainder of the afternoon, I departed. At no time was the Agency mentioned or referred to, nor was any connection to the programs under discussion inferred.

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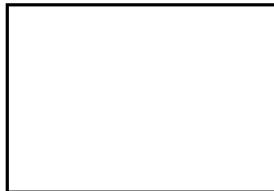
Attachment:

Senator McCarthy's Prepared Statement

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From the Office of
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FOR RELEASE THURSDAY AM
February 19, 1970

TESTIMONY OF SENATOR EUGENE J. McCARTHY
BEFORE COMMITTEE ON FOREIGN RELATIONS HEARINGS
ON VIETNAM POLICY PROPOSALS
FEBRUARY 19, 1970

In defending his Vietnam policies, President Nixon has attempted to confine the discussion to two possible courses of action: one, the immediate withdrawal of all American troops from Vietnam, in what he describes as a "precipitate" action, or his policy of Vietnamization, which contemplates a reduction of United States presence and a building up of the military strength of South Vietnam under the control of the Thieu Government.

Immediate and total withdrawal of American forces is not the only alternative to the Administration's program. The choice has never been as limited as the Administration statements indicate and is not so limited today. A third real possibility is a negotiated political settlement, followed or accompanied by withdrawal of American military power.

The massive American intervention in Vietnam in 1965 and in the years following created difficult military, political, and moral problems for us. They will not be easily solved.

What has this war cost?

--A million dead;

--A million and a half refugees;

--Increased corruption of the cities of Vietnam;

--Desolation of the countryside, described in the

Vietnamese training pamphlet quoted in the committee's recent staff report:

Rural Vietnam today is desolate, bleak and in many areas deserted. Gardens are plowed by either bombs and shells or by men digging not furrows

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for seed but shelters and trenches. Houses appear in irregular patterns, some curiously unscathed by the ravages of war, but many are destroyed or knocked askew and lean drunkenly, adding to the mournful loneliness which is the hallmark of abandoned areas. Previously lush rice fields are overgrown with weeds, the silence unbroken by the peasant's songs passed from generation to generation, the abandoned land devoid of even the herds of cattle and buffalo that formerly roamed. Many villages have become ghost towns, their inhabitants having fled to the cities as war refugees or to the mountains or forests to escape ever-impending death.

To this we must add the more than 40,000 American dead and quarter of a million wounded, many of whom survive more heavily impaired than the survivors of previous wars because of advanced medical and surgical techniques and improved field evacuation procedures. And remember also that the heaviest toll of American dead and wounded is among those of 19 to 21 years of age. The cost of the war to the United States runs between \$20 to \$30 billion a year.

What have we achieved? Continuation of a government in Vietnam of questionable integrity and little stability.

The President speaks often of the necessity for an "honorable settlement" or a "just peace"; he does not define either. One must ask what, if any, honor has been gained by the death and destruction and social chaos that has gone along with our overwhelming military power and our massive physical presence in Vietnam over the past five years, and what will be gained from the continuation of the war?

It is unlikely that the Vietnamese will be able to take over the fighting effectively. Rather, the course the Administration is pursuing is likely to require an

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an indefinite continuation of American involvement in Vietnam, although at a reduced level. We still have over 50,000 men in Korea 17 years after the end of the fighting.

Some of the claims made by the Administration must recall to the Committee the optimistic statements issued by former Secretary of Defense McNamara on his return from his numerous visits to Vietnam. The record of the past suggests that Vietnamization will not work. It has been tried repeatedly over the past 20 years--first by the French and later by us. It was, after all, the inability of the South Vietnamese army to fight effectively even after more than 10 years of training and equipment by the United States that prompted the dispatch of American combat troops in 1965.

Even if through a resurgence of morale and reduction of corruption, the South Vietnamese army could be made into an effective military force, there would still be the question of whether Vietnamization is desirable.

Asians would be killing Asians with American arms. Defoliation and destruction of crops would continue; villages be destroyed; refugees be "generated"; casualties be continued.

The United States would still have moral responsibility for the war, for continuing it and sustaining it. We will have made of the Vietnamese army, if the Nixon policy is "successful," essentially a mercenary army fighting its own people for an unrepresentative government, and beyond that, if we are to accept the Rusk and Nixon statements, to protect or advance the interests of the free world.

The American people, I believe, were prepared to make a public judgment on American policy in 1968, but they were distracted.

They were distracted first by the withdrawal of President Johnson from the campaign of 1968.

Second, they were distracted by the meeting of negotiators in Paris on May 13, 1968.

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More recently, they have been distracted by limited troop withdrawal, which has demonstrated so far only that there were too many troops in Vietnam in the first place. These troop withdrawals do not indicate any change of policy.

And fourth, they have been distracted by the talk of Vietnamization.

Public examination or reexamination of our involvement in Vietnam is essential.

I believe that the nation is being misled over the issues at stake in Vietnam as it was in 1966 and 1967, when this committee took upon itself the responsibility of educating and informing the people and called the Johnson Administration to a public accounting.

I believe that a negotiated settlement of the war is possible and that the time to seek such a settlement is now.

The first reason for this opinion is an immediate and practical one, which is that I am not convinced that--leaving out the United States presence--there has been any major shift in the basically unfavorable balance of political and military power in Vietnam or that such a shift will take place. It is in order to ask what will happen if the level of our involvement becomes insufficient to avoid defeat. Will we escalate our efforts or will we then negotiate from weakness?

The second arises from my belief that there have been no serious negotiations since the first meeting in Paris in May of 1968 or since the joint meetings began in Paris in January, 1969.

We are today proposing free elections. This offer means little to the other side. In 1956, we supported the Diem Government in its refusal to hold the elections called for in the Geneva Accords. As former Ambassador Harriman has stated, it has never been envisaged that the political

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settlement could be brought about by a "winner take all" election in the Western tradition. The war has not been fought for free elections. I am not aware of any case in history where divisions and grievances strong enough to have led to 25 years of civil war were settled immediately by elections--free or unfree.

There is no reason to believe that we can bring about serious negotiations in Paris until the United States is willing to make a basic change in policy. Serious negotiations cannot proceed unless we are willing to support a coalition government to control the process of transition. The task of the interim government would be to arrange a cease-fire and to assure the orderly withdrawal of foreign forces. It would prepare the way for the eventual selection of a permanent government. We should be prepared to support with other nations, and I would hope with the concurrence of the United Nations, such a negotiated settlement.

There are risks and dangers in such a policy. I do not believe they are as great as some have declared them to be.

My conversations with the National Liberation Front and the North Vietnamese delegation in Paris lead me to believe that a political settlement of this kind is possible and to these conclusions:

1. The North Vietnamese are not counting on winning the war in Washington. They point out that the war with the French was not won in Paris.

2. They point out that historical evidence does not support a presumption that massive executions would follow a negotiated settlement, and say that no such executions would occur.

3. They anticipate that North Vietnam would not take over South Vietnam and that for a long period of time--meaning years--some division would exist between North and

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South Vietnam.

4. They feel very strongly about our having bombed North Vietnam--a feeling which is reflected in their attitude toward captured fliers.

5. They do not believe that Vietnamization will work.

6. They seek a commitment on troop withdrawal.

This commitment would be accompanied by an agreement on a provisional government and immediate negotiations with reference to prisoners of war.

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